

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ELAINE CHAO, SECRETARY OF)
LABOR, UNITED STATES DEPT.)
OF LABOR,)

Plaintiff,)

vs.)

Case No. 4:07CV1640 RWS

METRO SECURITY CONSULTING,))
LLC, et al.,)

Defendants.)

MEMORANDUM AND ORDER

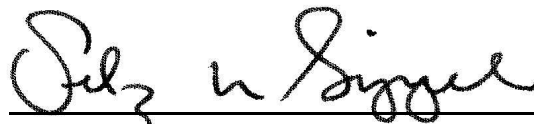
This matter is before me on defendants' motion to dismiss for lack of jurisdiction. Plaintiff brings this action for overtime compensation under the Fair Labor Standards Act, 29 U.S.C. § 3(s)(1)(A). Defendants contend that this Court does not have subject matter jurisdiction under the FLSA because they do not qualify as "an enterprise engaged in commerce or the production of goods for commerce." Plaintiff contends that this determination is factual in nature and requests discovery and a hearing prior to my decision.

After careful review of the briefs, I agree that the parties should be permitted to conduct some discovery on this issue before my ruling. Therefore, the parties shall file a joint proposed scheduling plan for jurisdictional discovery

by no later than **April 21, 2008** which shall include a proposed hearing date and deadlines for filing supplemental briefs only. It is my intention to rule this issue from the bench at the conclusion of the hearing, so any supplemental briefing shall be completed before the proposed hearing date.

Accordingly,

IT IS HEREBY ORDERED that the parties shall file a joint proposed scheduling plan as set forth above by no later than **April 21, 2008.**

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 15th day of April, 2008.